

GEORGIA M. PESTANA
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

PETER L. GERMANAKOS
Special Assistant Corporation Counsel
(212) 356-2456

November 9, 2021

VIA ECF

Hon. Paul G. Gardephe
United States District Court
Southern District of New York
40 Centre Street Rm 705
New York, New York 10007

Re: *S.H.W. and W.S.C. v. N.Y.C. Dep't of Educ.*, 21-cv-7003(PGG)(OTW)

Dear Judge Gardephe:

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel, Georgia M. Pestana, attorney for Defendant in the above-referenced action, wherein Plaintiff seeks solely attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, et seq., as well as for this action.

I write to respectfully request a 21-day extension of Defendant's time to respond to the complaint, from November 10 to December 1, 2021. Firstly, I apologize for the lateness of this request as outlined in Your Honor's individual rules and practice, and any inconvenience for the Court. This is the second request for an extension of the time to answer. The first request was made on September 21, and granted by Your Honor on September 22, 2021. The requested extension will provide Defendant with sufficient additional time to complete the negotiation process to achieve full settlement of this case. Defendant expects to be able to make a full offer of settlement by the end of next week. Additionally, I respectfully request an adjournment of the November 18, 2021 conference *sine die*. As liability is not at issue in this case, there is no need for the Court to be burdened with an initial conference.

Plaintiff's counsel has objected to these requests on the basis that he has already consented to a similar request earlier in the life of this case. We have explained to Plaintiff's counsel that a brief delay in the beginning of the settlement process in this case arose due to the sudden departure from employment with my office in August of the formally assigned attorney, causing the case to be reassigned to me.

As with all similar fees-only cases with the Alizio firm, we are hopeful that the parties will settle this matter without the need for Court intervention. As recently as October 18, 2021, my office settled the case *T.C. & T.C. obo C.C. v DOE* 21-cv-4325, with the Alizio firm, which was primarily handled by the now departed attorney initially assigned to this instant case.

Accordingly, Defendant respectfully requests a 21-day extension of its time to respond to the complaint to December 1, 2021, and an adjournment of the upcoming court conference *sine die*,

with a status letter due by December 1, 2021, informing the Court that the case has been resolved, or, proposing a briefing schedule.

Thank you for considering these requests.

Respectfully submitted,

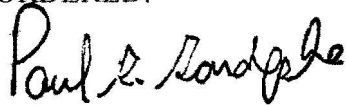
/s/
Peter L. Germanakos
Special Assistant Corporation Counsel

cc: Steven Alizio, Esq. (via ECF)

MEMO ENDORSED

Defendant's request to extend its time to respond to the Complaint to December 1, 2021 is granted. The conference in this matter currently scheduled for November 18, 2021 is adjourned to December 9, 2021 at 9:45 a.m.

SO ORDERED.



Paul G. Gardephe
United States District Judge

November 12, 2021